

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8466 of 2016

- Jagbeer Singh S/o S/o Late Ovar Singh, Aged About 40 Years R/o Artoni Sikandara, District Agra, Uttar Pradesh. --- **Applicant**

Versus

- State of Chhattisgarh Through Police Station Sukma, District Sukma, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Shrawan Agrawal, Advocate
For the Respondent	:	Mr. Ashutosh Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.01.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 57/2016 registered at P.S. Sukma, Distt. Sukma (C.G) for the offence punishable under Section 20-B of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. As per the prosecution case, on 30.08.2016 certain information was received by the police that contraband Ganja was being transported in Car bearing Regn.No.UP 80 CT/9309 and thereafter the said car was intercepted. It is alleged that on search being made total 50 Kgs., of Ganja was recovered from 3 inmates of the car and out of the total 50 Kgs., from the possession of the applicant, 15 Kgs., of Ganja was recovered.
3. Learned counsel for the applicant would submit that the car bears the registration of commercial vehicle as it was being used as Taxi and the applicant being owner has no occasion

to check the luggage of the passengers. He further submits that the Talasi Pnchnama was made at 4.10 p.m., wherein the quantity is said to have been 50 Kgs., whereas the weighment was made at 4.35 p.m., therefore, it is improbable that at 4.10 p.m., the quantity of cannabis can be ascertained to be 50 Kgs. He further submits that the charge sheet has been filed and the applicant is in jail since 30.08.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and documents. It appears that the applicant was one of the inmates of the Car wherein total 50 Kgs., of Ganja was found, out of which, 15 Kgs., of Ganja is alleged to have been recovered from the applicant.
6. Considering the prima facie recovery and the quantity of cannabis, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**